

**Application No. UP-684-05, Oceanfront Enterprises, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize construction of a mini-storage warehouse facility on a 8.5-acre parcel of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17. The property, further identified as Assessor's Parcel No. 24-54-B, is zoned GB (General Business) and is designated for General Business in the Comprehensive Plan.

**Mr. Earl Anderson**, Planner, presented a summary of the staff report dated October 3, 2005, in which the staff recommended approval. He said the retail and mini-storage components would be considered together during plan review because the retail areas would be designed to conceal the storage areas.

**Mr. Hamilton** wanted to know the time frame for the County to upgrade the stormwater system adjoining the property, and **Mr. Anderson** noted that construction has not been scheduled. **Mr. Hamilton** was concerned about possible flooding. **Mr. Anderson** stated the applicant is required to maintain and not increase pre-development rates of runoff.

**Chair Ptasznik** opened the public hearing.

**Joe Latchum**, Esq., 116 West Landing, Williamsburg, introduced the applicant, Mr. Chris Perry, and the project engineer, Mr. Al Sledd. Mr. Latchum said that, due to the topography of the land, three acres are unusable and the remaining five acres are challenging to develop. However, the project would make good use of the land. The applicant operates under the name "Happy Boxes," an owner-operator business operating successfully in other jurisdictions and has established a reputation as a good corporate citizen. Happy Boxes expects to invest \$4 million in the proposed project. The applicant has conducted market research that indicates almost all mini-storage units in the County are leased and the area could support more units. The application proposes the units have a brick façade and extensive landscaping. A conference room would be available. The retail uses would meet all the criteria for Route 17.

**Mr. Latchum** said that Mr. Sledd is currently seeking to confirm that land is available to accommodate a taper and full-width right turn lane, as required in Condition 12 of the proposed resolution.

**Mr. Abel** asked the applicant if the conference room would be available for public use, and if the storage facility is expected to appeal to business or industrial users.

**Mr. Chris Perry**, 1016 Ditchley Road, Virginia Beach, explained that the conference rooms, available at each Happy Boxes location, are designed and equipped for small business users and are therefore available only to those tenants. He confirmed that 25 percent of users are in those categories. Mr. Perry added that 42 percent of the total square footage, including all storage areas, is climate controlled, ideal for storing documents and delicate equipment.

**Mr. Ptasznik** asked if the design is flexible in case the extra land required for a turn lane should indicate a need to move the office space to the opposite side. **Mr. Perry** said some flexibility would be considered.

**Mr. Anderson** explained that his discussions with the Virginia Department of Transportation, which recommended a full-width turn lane, indicated there is enough property to provide the turn lane, including a portion of the Dominion Virginia Power easement containing the power lines.

**Mr. Carter** suggested the Commission consider adding a condition allowing the applicant to shift the retail and office from north to south if it would better accommodate the 150-foot turn lane and meet VDOT requirements. **Mr. Ptasznik** asked staff to provide the appropriate language for such an amendment.

**Ms. Conner** requested more information about the market study.

**Mr. Perry** said his company evaluates all prospective sites through market studies. This study indicated a need for first-class, top-notch self-storage that is designed for easy access, that provides space for commercial customers in need of a conference room, and offers climate-controlled spaces. Mr. Perry added that his target market radius contains a population of 112,000 and the study indicates a population growth of 33 percent in a five-mile radius of the site within the next five years. He assured Ms. Conner that everything in the County that currently is in a planning or construction phase is being taken into consideration in his plans.

**Mr. Barba** asked if the study took into account the existing 183,000 sq. ft. of storage space in the County. **Mr. Perry** confirmed that it did and further indicated that the existing space is almost fully rented.

**Mr. John F. Moore**, 105 Club Way, Seaford, owns property directly behind 143 Freedom Boulevard. Mr. Moore was supportive of storage units in general. As a member of the Board of Directors of Victory Industrial Park (VIP) business owners, he expressed concern about the vagueness of the applicant's stormwater management plan. Stormwater currently is directed from about 30 surrounding acres into the VIP-owned and maintained system, which is already overburdened. He said it appeared this project initially would also use their stormwater management resources. It is the VIP owners' responsibility to maintain their system. Mr. Moore requested to be kept apprised of all progress on the County's drainage project.

**The Chair** closed the public hearing.

**Mr. Hamilton** asked about the plan for stormwater management under the proposal.

**Mr. Perry** offered to meet with Mr. Moore and discuss the issue. He said he would defer to Mr. Sledd for advice, but he would cooperate with the VIP owners to initiate methods that would drain his proposed site properly.

**Alvin D. Sledd, P. E.**, Vanasse Hangen Brustlin, Inc., 11832 Rock Landing Drive, Newport News, said a certain amount of the property drains naturally toward Victory Industrial Park. The applicant

proposes to collect runoff, convey it to a stormwater management facility and release it slowly and over a long period time so that it would not exceed the amount of water that is draining naturally into the VIP system at this time.

**Mr. Anderson** noted that the proposed resolution included no condition addressing drainage and recommended a revision requiring the applicant to contribute a specified dollar amount toward stormwater management, as discussed under item 6 of the staff report. **Mr. Carter** said the proposed condition could include a requirement for the applicant to obtain permission and agreement from Victory Industrial Park to drain into the pond that it owns and maintains.

**Mr. Barba** was uncertain that he could support the application given there are two mini storage warehouses within one-half mile and on Route 17. Furthermore, another application for mini storage has been proposed at this meeting. It appeared the applicant envisions a large number of units. **Mr. Perry** stated he is proposing 536 units. **Mr. Barba** said Route 17 has the potential to “bear a lot of good things” but it may take some time to get the right mix.

**Mr. Abel** agreed with Mr. Barba and said he would be more reluctant to recommend approval were it not for the retail component. Mr. Abel noted that the property is not very developable due to lack of access and the existing power lines. He expressed concern about the number of vehicles that often park on Freedom Boulevard and the possibility of traffic cutting through the applicant’s property from the back entrance. However, because the Route 17 frontage would be a retail use and proposes a practical use for what otherwise might be “dead space,” Mr. Abel would support approval.

**Mr. Hamilton** asked if other locations in the County provide for outdoor boat storage. **Mr. Perry** did not know, but said he proposes a first class operation that would require registration and proof of insurance for all boats stored and it would be geared toward the high-end user. A manager would be on site; plans include an upstairs apartment for the facility manager.

**Ms. Conner** cited a small boat-storage facility on Route 17 next to Colonial Kitchens. **Mr. Carter** confirmed that, but was not aware of any other boat-storage facility in the County as large as the proposed one. He believed there was another mini-storage facility that offered limited space for outdoor boat storage.

**Ms. Conner** expressed concern over an overwhelming number of storage facilities within a two-mile area of this location on Route 17 and did not believe that committing the limited amount of Route 17 frontage to these types of uses for a very long time was in the County’s best interest, nor did she agree with routinely using GB-zoned property for storage facilities simply because an application came before the County. She expressed great concern over recommending another storage facility for five acres of GB-zoned property and was not convinced that this was the best use of the property, given the proximity of the others.

**Mr. Hamilton** agreed. He felt the vision for Yorktown was to carefully select the uses on Route 17 and thought there might ultimately be a better use for this parcel.

**Mr. Ptasznik** appreciated the discussion and agreed with those who favored the retail opportunity the application offers. There is no retail component associated with the other storage units on Route 17, and he did not know what else it could be used for if not a retail activity.

**Mr. Staton** agreed with much of the discussion, but his real concern was about the topography of the land. He did not believe it offered the opportunity for a variety of uses because it is flat and has poor drainage. He supported approval of the application.

**Mr. Abel** wondered what other types of uses could be made of the back part of the lot and mentioned that Freedom Boulevard does not attract drive-by businesses. He believed it would be difficult to do anything more useful with that section of the property, and supported the application because of the opportunity for dual uses.

**Mr. Barba** moved adoption of proposed Resolution PC05-43(R), to include the noted revisions concerning drainage.

Resolution No. PC05-43(R)

On motion of Mr. Hamilton, which drew a tie vote of 3:3 (Yes - Abel, Staton, Ptasznik; No - Barba, Conner, Hamilton; Absent - Davis), the following resolution was denied:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE CONSTRUCTION OF A MINI-STORAGE WAREHOUSE FACILITY ON AN 8.5-ACRE PARCEL OF LAND LOCATED AT 6830 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) APPROXIMATELY 300 FEET SOUTH OF THE INTERSECTION OF OLD YORK-HAMPTON HIGHWAY (ROUTE 634)

WHEREAS, Oceanfront Enterprises, LLC has submitted Application No. UP-684-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6) of the York County Zoning Ordinance, to authorize construction of a 59,576-square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of October, 2005, Application No. UP-684-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize construction of a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137) subject to the following conditions:

1. This use permit shall authorize a 59,576 square foot mini-storage warehouse facility, including accessory boat and recreational vehicle storage, on 8.5 acres of land located at 6830 George Washington Memorial Highway (Route 17) approximately 300 feet south of the intersection of Old York-Hampton Highway (Route 634) and Route 17 and further identified as Assessor's Parcel No. 24-54-B (GPIN# R07A-2358-4137).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County prior to the commencement of any construction or land clearing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Happy Boxes Self-Storage Facility & Specialty Office/Retail; Conceptual Plan," prepared by Vanasse Hangen Brustlin, Inc., and dated 09/26/05, received by the York County Planning Division on September 28, 2005, except as modified herein or as may be necessary to comply with site plan review requirements. In accordance with the concept plan, the retail and mini-storage warehouse components of the project shall be integrally related. Site plan submissions shall include both components and building permits shall not be issued for any of the mini-storage warehouse buildings until permits for the retail building have been issued.
3. Development and operation of the mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, *Standards for mini-storage warehouses*, of the Zoning Ordinance, except as modified herein.
4. Building design for the mini-warehouses and any office or support buildings associated with the mini-warehouse project shall be consistent with the representative elevations submitted by the applicant on September 28, 2005, titled "Happy Boxes Self Storage Facility & Specialty Office/Retail; Yorktown, VA; Exterior Elevations" prepared by Ionic Design Studios. All buildings facing George Washington Memorial Highway (Route 17) and Freedom Boulevard (Route 320) shall meet the requirements under Zoning Ordinance, Section 24.1-379, *Route 17 Commercial Corridor Revitalization Overlay District*.
5. All warehouse bay doors shall face the inside of the mini-storage warehouse development. No warehouse doors shall be located along or in the exterior façade of the mini-storage warehouse development.
6. Fencing utilized around the perimeter of the mini-storage warehouse facility shall be simulated wrought iron fencing, except where the boat/RV outdoor storage area is located,

which shall be board-on-board wood stockade fencing incorporating a concave or convex top with a minimum height of six feet. The use of theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.

7. A tree preservation plan certified by the Virginia Department of Forestry, the York County Cooperative Extension Service or a qualified arborist or urban forester shall be prepared for the lot to be submitted with the first site plan submission as detailed in Section 24.1-242 of the York County Zoning Ordinance specifically addressing the areas designated as 'transferred green space'.
8. Outdoor free-standing and building mounted lighting shall be full cutoff luminaries or a decorative luminary with full cutoff optics in accordance with Illuminating Engineering Society of North America standards. All lighting shall be directed downward and shall not spill over onto adjacent properties or public rights-of-way. Maximum allowable foot-candles at the property lines shall not exceed 0.5 foot-candle. All lighting, except low-level security lighting, shall be extinguished between the hours of 11:00 PM and dawn. In addition, the applicant shall submit a photometric plan, to include manufacturer's specifications for all lighting fixtures, indicating all outdoor lighting on the site as part of the site plan submission process.
9. Freestanding signage for the development shall be limited to one (1) monument sign on George Washington Memorial Highway (Route 17) and one (1) monument sign on Freedom Boulevard (Route 320) in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
10. Limited storage of vehicles may be permitted as an accessory and incidental activity to the mini-storage warehouse use provided they are restricted to recreational vehicles and recreational boats. Parking areas for such storage shall be in addition to minimum required parking for the mini-storage warehouse use, and shall be clearly indicated on the approved site plan referenced in Condition No. 2 above.
11. Design of buildings, driveways and access ways shall accommodate a turning radius of thirty-three feet (33') for large fire and rescue apparatus. Adequate water supply, including hydrants if required by the Fire Chief, shall be established for fire suppression operations on the site.
12. Access to the parcel shall be subject to compliance with all standards established and required by the Virginia Department of Transportation with respect to driveway design and turning lane improvements and shall specifically include installation of a 150-foot full-width right-turn lane with a 150-foot taper to serve the Route 17 entrance. If desired by the applicant, or required by VDOT, the location of the commercial entrance may be shifted to the north side of the retail building and the site to better accommodate the 150-foot turn and taper lanes.
13. An executed encroachment agreement shall be submitted with the first submission of the site plan from Dominion Virginia Power for the proposed improvements in the existing easement located on the southeastern portion of the property.

14. The applicant shall contribute the sum of \$1,480 per acre to the County for every acre, or portion thereof on a proportional basis, that will flow into the Industrial Park system. Said funds are to be applied to the programmed stormwater management improvement project to be undertaken by the County on the outfall channels downstream from Victory Industrial Park. The applicant shall secure permission from the Victory Industrial Park Property Owners Association prior to creating any quantitative or qualitative stormwater management demands on the systems owned and maintained by that Association.
15. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

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**Mr. Carter** advised that the tie vote indicated that the Commission was neither recommending approval nor denial and it could forward the application to the Board of Supervisors with that as the report or table it until a full Commission is present. **Mr. Ptasznik** remarked that he would not want to forward an application to the Board without a recommendation and recommended tabling it until there is a full complement of members present, at the next meeting. However, no formal motion or vote was undertaken to table the request.

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